



Institute on Religion and Public Policy Report:

Religious Freedom in the Republic of France

Executive Summary

The French Constitution provides for the freedom of religion. However, the French government views religion as a purely private matter. They follow the concept of laicete, which dictates a strict separation of church and state that removes all vestiges of religion from public life. As a result they have enacted laws that limit the free exercise of religion in the public sphere. One such law that bans religious symbols in state schools was aimed at preventing Muslim women from wearing headscarves. In addition, Muslim communities have faced scrutiny, as they are monitored for terrorist activities. The Church of Scientology is in court, facing several accusations of fraud.

Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

Current Legal Status

The French Constitution explicitly provides for freedom of religion, and other French laws and policies contribute to the generally free practice of religion. France was a historically Catholic nation, but ongoing conflicts between the Church and the Republic led to a 1905 law mandating the separation of religion and state. This law secularized the public sphere in France and made discrimination on the basis of religion illegal. It also barred the state from officially recognizing, funding, or endorsing religious groups. The 1905 law also transferred ownership of all currently existing religious buildings to the state, which to this day is responsible for their costs of operation. Cultural buildings have their costs paid by the government as well. However, most places of worship existing in 1905 were Catholic, so the French government currently supports several Catholic churches, but not many religious buildings for other faiths.

A January 2007 poll indicated that 51 percent of the French population is Roman Catholic. However, only 10 percent of those Catholics attend church regularly. An estimated 8 to 10 percent of the population is Muslim (roughly 5 to 6 million people). Approximately 39 percent of French Muslims observed Islam's five prayers daily, and mosque attendance for Friday prayers rose to 23 percent. About 70 percent of French Muslims observe Ramadan. Protestants make up 3 percent of the population, Jewish and Buddhist religious groups 1 percent each, and Sikhs less than 1 percent.

In 2004, the French Parliament banned the wearing of overt religious symbols in public schools. Although this applies to all religious symbols, including large Christian crosses, Jewish skullcaps, and Sikh turbans, it was intended to target Muslim girls who wear headscarves. In the French mindset, religion is for private life only, and the public sphere should be completely secular. However, this law inhibits the ability of the devoutly religious to practice their beliefs, which may include wearing a head covering.

In spite of its recent display of animosity toward devout Muslim women, France has made some strides toward tolerance of religion in public life. In his 2004 book *The Republic, Religions, Hope*, then Finance Minister Nicolas Sarkozy suggested that it is time to update the 1905 law that made France a secular nation. He hinted at helping Muslim groups build mosques, because the current underground nature of Islamic worship could lead to more extremism. Since becoming President in 2007, Sarkozy has advocated for a new "positive secularism" that "doesn't consider religion a danger, but an asset."

The French judicial system has also begun to show more respect for religion. In September 2008, a French court postponed a trial of a Muslim defendant that was due to begin during the Muslim month of Ramadan. The court agreed with the defendant, that the fasting required of Muslims during Ramadan would make him unable to focus on presenting his defense. However, critics argue that this violates France's strict separation of church and state. In another instance of deference to Islam, a court granted an annulment to a Muslim couple at the request of the husband, after he discovered that his new wife was not a virgin, as she had claimed.

Instances of Religious Discrimination and Abuse

Despite the fact that the French Constitution guarantees freedom of religion, some religions are treated differently from others. Most notably, Muslims and members of the Church of Scientology have encountered obstacles in practicing their religions. In 2002, the Church of Scientology was charged with attempted fraud and false advertising by the French government. This stems from allegations by three former church members who claim that they were harassed by the church after they left. In May 2009, the Church of Scientology was on trial in France on charges of organized fraud. The church's headquarters in Paris

and its bookstore are being sued for fraud, and some leading members of the organization are charged with illegally practicing pharmacy. This suit stems from complaints that new members of the church were pushed into paying thousands of dollars for books, courses, vitamins and an electronic measurement to gauge spiritual progress. If the church loses, it could be fined up to \$7 million and ordered to stop its activities in France.

The French government has also shown animosity toward Islam, particularly when it comes to Muslim women who wish to wear headscarves. In 2008, a Muslim woman was denied French citizenship because she wore a headscarf called a niqab and was not sufficiently assimilated into French culture. She had been living in France, with a French husband, four children born in France, and she speaks fluent French. Further, there have been some instances in which Muslim women have been made to remove their veils for identification photos. France has also fallen prey to the idea that Islamic communities foster terrorist organization. In an effort to stop terrorist activities, the French government closely monitors mosques. If an imam steps out of line, he is expelled.

United States Foreign Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. Embassy officials have met with French government officials, NGOs involved with religious freedom, and senior representatives from the major faith traditions, as well as representatives of the Church of Scientology and the Unification Church. The Embassy also conducts a public affairs outreach to minority communities in France. The State Department also supports programs designed to fight against anti-Semitism and Islamophobia. The Embassy also works with the French government to share best practices for diversity in education, the workplace, and society.

Conclusion

The French government prides itself on its secularism. Unfortunately, this secularism has been used to justify laws that have actually inhibited the free exercise of religion. Perhaps the most troublesome of these, a 2004 law targeted Muslim women in banning all religious symbols from being worn in state schools. Further, Muslim communities have faced intense scrutiny from the government in its efforts to monitor terrorist activities in the country. Other minority religions have faced lawsuits and other forms of discrimination in society at large. However, on the whole, France allows the free exercise of religion.